90-1377

Supreme Court, U.S.
FILED
JAN 29 1991
OFFICE OF THE CLERK

NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1991

MARY CATHERINE Halvorsen
Petitioner,

v.

ALBERT (BOYER) HALVORSEN
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE WASHINGTON STATE SUPREME
COURT AND KING COUNTY SUPERIOR
COURT, SEATTLE, WASHINGTON

PETITION FOR WRIT OF CERTIORARI

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cting Pro se

This appeal raises four questions.

1. The right of petitioner to appear by telephone for a fifteen minute hearing in Superior Court because appearance in person was impossible, such denial constituting a denial of her constitutional right of due process of the opportunity to be heard in a meaningful manner.

2. The right of petitioner to appeal such a denial to the Washington State Supreme Court as a matter of right, such denial by a Clerk of the Court constituting a denial of her right of due process.

3. The unconstitutionality of the granting of "compensatory damages" by the Washington State Supreme Court without any evidence or testimony, said granting of said damages being a province of a jury, thus violating her rights of due process.

4. The unconstitutionality of imposing "prior restraint" orders by both the Superior

Court and the state Supreme Court to prohibit access to the courts for women but not for men by awarding "compensatory damages" to the men that must be paid first, in violation of the equal protection guarantee of the fourteenth amendment to the United States Constitution.

LIST OF PARTIES

Petitioner is Mary Catherine Halvosen and Respondent is Albert (Boyer) Halvorsen. If the case is remanded back for an appearance it involves Judge Charles Johnson and Judge Lloyd Bever. If so remanded, the Washington State Supreme Court Orders are automatically negated. If the case is remanded back on the issue of "compensatory damages" awarded by Department I of the Washington State Supreme Court, then it involves that Department of that court.

RECUSAL OF JUDGES

Judge Anthony Kennedy was involved in one aspect of a case involving petitioner when he was on the Ninth Circuit of Appeals back in 1983. Further, petitioner objected to his appointment to the United States Supreme Court because of his comparable worth decision and wrote letters to Senators to that effect. She further objects to his hearing any case involving abortion because he is Catholic and wants to push his Catholic philosophy on the rest of us. Petitioner is sure he will want to recuse himself from any consideration of this case.

Petitioner also objects to Judges Scalia and White hearing any cases on abortion because, like Judge Kennedy, they are Catholic and will want to force their paternalistic philosophy on the rest of us. However, this is not an abortion case, and petitioner leaves it up to the two judges in question to decide if they can be fair and impartial to one who has criticized them.

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I.

OPINIONS OF COURTS BELOW

King County Superior Court, State of Washington, Case No. D-80812, by Order of Judge Charles Johnson, entered March 1,1990, denied petitioner's Motion to Appear by Telephone. The same Court in the same cause num-

ber, by Order of Judge Lloyd Bever, entered March 7, 1990, granted respondent's Motion to Quash a Motion to Vacate, thereby terminating petitioner's action. The Washington State Supreme Court dismissed petitioner's appeals on June 8, 1990. They denied her Motion for Reconsideration by Order entered October 3, 1990. Copies of these Orders are attached as Appendix A.

II.

GROUNDS FOR JURISDICTION

When the Washington State Supreme Court denied petitioner's Motion for Reconsideration on October 3, 1990, no further state remedy is available.

An extension for filing the Petition was granted by Justice O'Connor to and including January 31, 1991, copy of which is attached as Appendix B hereto.

Jurisdiction is invoked pursuant to the statutory provisions of 28 USC 1257 (3). Jurisdiction is also invoked because of the

violations of two amendments to the United States Constitution, federally protected rights, of the "due process" clause of the fifth amendment and the "equal protection" clause of the fourteenth amendment. Copies of these are attached as Appendix C.

Jurisdiction is also invoked pursuant to case law. The Orders of the Washington State Courts violate the United States Supreme Court's rulings in the following cases:

Armstrong v. Manzo, 380 U.S. 545
Boddie v. Connecticut 401 U.S. 371
Fuentes v. Shevin 407 U.S. 67
Mullane v. Central Hanover Trust Co. 339 U.S. 306
Ross v. Moffitt 417 U.S. 616.

III.

STATEMENT OF THE CASE

During the process of an ongoing dispute over Albert (Boyer) Halvorsen's attempt to have a Washington State Court dispose of Alaska properties, (which it has no jurisdiction to do), petitioner discovered that in the original action she had never been properly served

nor had the Summons and Complaint been properly filed. The Court, then, never acquired the personal jurisdiction over petitioner and the Order entered is void. Petitioner promptly filed a Motion to Vacate that void Order in King County Superior Court, Seattle, Washington where the Order had been entered.

Fearing a hearing on the merits of the Motion to Vacate, Albert (Boyer) Halvorsen's attorneys filed a Motion to Quash the Motion to Vacate. The Motion to Quash scheduled for March 7, 1990, was to be a fifteen minute hearing.

Because petitioner lives in a remote village on the North end of Vancouver Island, 400-450 miles North of Seattle, she called the Presiding Judge's department of King County Superior Court to arrange for an appearance by telephone. She was told that <u>if the other side would agree</u>, then the arrangements would be made. But if the other side would not agree, then she would have to bring a Motion to Appear

by Telephone. The other side would not agree; petitioner brought her Motion. Presiding Judge Charles Johnson denied her Motion by Order signed March 1, 1990, finding it had no merit. Petitioner takes exception to this. However, this is a final Order, affects a substantial right of petitioner, and she is entitled to an appeal as a matter of right.

Petitioner tried valiantly to obtain a Stay from the Washington State Supreme Court of the March 7, 1990 hearing until the Court could consider appearances by telephone, but she failed.

The March 7, 1990 hearing of the Motion to Quash the Motion to Vacate, which proceeded without petitioner, was treated as a default. The Order, signed by Judge Lloyd Bever, states that petitioner was present and petitioer takes exception to this also, wondering why a Judge would sign such an Order. Thus the Motion to Vacate was never heard on its merits.

The Order granting the Motion to Quash the

Motion to Vacate is a final Order and, in effec terminated the action. In Washington State, an final Order or any Order temrinating the case, is appealable as a matter of right.

Petitioner appealed both of these Orders to the Washington State Supreme Court directly.

As noted above, petitioner attempted to obtain a Stay of the March 7, proceedings. She had filed a Notice of Appeal on February 15, 1990 to be activated in the event that her Motion to Appear by Telephone was denied. On March 2, 1990, petitioner called the Washington State Supreme Court Clerk's office to activate her appeal. The Clerk told her that her Motion would not be considered; that the Commissioner had decided that the Order Denying Petitioner the right to appear by telephone was not a final order (although petitioner wonders what could be more final); that petitioner did not have an appeal as a matter of right; that petitioner must file a Motion for Discretionary Review; that that was the way it

was; and that he was not going to waste any more time talking further to her. Thereupon he hung up on petitioner. Petitioner was shocked. she had dealt with the Clerk's two predecessors and had always found them to be very courteous, treating petitioner just as they would any attorney.

Petitioner then tried on March 2, 1990 (a Friday), March 5, and March 6, 1990 to reach the Chief Justice of the Washington State Supreme Court, Keith Callow, but each day was told he would be there tomorrow.

Petitioner also tried to reach the Chief Justice Callow by letter which she mailed on March 3, by overnight mail, which he would have received March 5. Unfortunately, ChiefJustice Callow has left instructions with his assistant not to show him anything involving a case that might be pending before the Court. Thus, questions on procedure that only he can answer are never considered as his assistant takesno action (not having any authority to do so) and

merely places any correspondence in the file. (The Washington State Supreme Court meets only three weeks in a year; i.e. one week in February, one week in June, and one week in October. The Court is closed July and August despite a comfortably air-conditioned building and very temperate summers in the state. They hear only one or two cases a year and when anyone calls the State Supreme Court, no judge is ever available.) This is the way things are run at the Washington State Supreme Court.

On March 13, 1990, the same afternoon that she had mailed her appeal of both the March 1, 1990 and March 7, 1990 Orders, petitioner received in the incoming mial, a "Notation Order" written by hand in the upper right hand corner of her Motion for Stay, dated March 2, 1990, postmarked March 5, 1990. She was surprised as she understood the Clerk to say that her Motion had never been considered at all. She immediately appealed this, but since mail is sent out and received only on

Tuesdays and Fridays, she could not send it out until March 16, 1990. On April 2, 1990, petitioner received a letter dated March 26, 1990 from the Clerk, stating that she could not appeal as her appeal was more than the 10 days allowed in the Rules. By dating Orders on Friday afternoon but not mailing them until Monday, petitioner does not receive them until a week Tuesday, a total of 11 days. Thus, the Clerk precludes petitioner from appealing anything he or the Commissioner sign because it sits in the Supreme Court over the weekend and three days are lost.

On April 10, 1990, petitioner received another letter from the Clerk dated March 30, 1990, postmarked April 2, 1990, informing her that her appeals of the March 1, 1990 and the March 7, 1990 Orders were discretionary (as determined by the Clerk) and that she had to file a Motion for Discretionary Review or her appeal owuld be dismissed by him.

When petitioner called the Clerk to dis-

cuss this apparent disagreement, the Clerk hung up on her again!

Petitioner checked the Rules. Nowhere can she find that when appeal is a direct appeal of a final order to the Washington State Supreme Court, that a Motion for Discretionary Review must be filed. Nowhere could she find where the Clerk could detemrine on his own whim, that an appellant must file such a Motion. Consequently, petitioner filed a Motion for Clarification of her Three Appeals, dated April 12, 1990 to the Washington State Supreme Court En Banc.

The Clerk, then, filed a Motion to Dismiss the Appeals and was joined in the Motion to Dismiss by respondent's attorneys. This was heard not by the Court En Banc, but by Department I (four judges and the Chief Justice) of the Washington State Supreme Court on June 7, 1990, the Order being entered June 8, 1990. By this Order petitioner's appeals were dismissed and petitioner was ordered to pay $5,500 as com-

pensatory damages to respondent. This award was not based on any testimony or evidence nor had compensatory damages been asked for. It was a figure picked, as the saying goes, from the air. Furthermore, compensatory damages are the domain of a jury award, not Supreme Courts.

Petitioner then filed a Motion for Reconsideration to the Washington State Supreme Court En Banc, which the Clerk orginally refused to note for a hearing. After an exchange of correspondence, a hearing was set, not before the Court En Banc, but before Department I, for October 2, 1990. An Order was entered October 3, 1990, denying the Motion for Reconsideration and awarding $500.00 sanctions payable to the Washington State Supreme Court. It further awarded, this time termed compensatory terms, $500.00 payable to respondent. And last, but surely not least, it issued a "prior restraint" against petitioner that until all sanctions and terms in this

Order as well as previous Orders were paid, petitioner was prohibited from filing any furhter pleadings in the case. No restrictions apply to respondent.

Petitioner is the third woman that she knows personally who is forbidden to enter Court until monies, which the other two cannot pay, are received by the Court. In all three cases, there is no restriction on the men from filing or entering the court.

One of these cases involves the welfare of the children. The Mother brought a Motion to Enforce an Existing Order to have the Father provide the life insurance and trust fund for the children's college education that he was ordered to do. The Judge could not care less about the children; refused to consider the Motion and entered an Order that she is prohibited from entering the Court until "terms are paid, This awarding terms to the men that the women cannot pay and prohibiting them from entering court or filing any further pleadings

until monies are paid, effectively terminates the case de facto.

The Washington State Task Force on Gender and Justice in the Courts in its report, noted the prejudice of the male judges in Washington State to award attorneys fees, and terms to the men, which places an undue hardship on the women, but apparently the judges of Washington State have not read that report; or if they have read it, they are disregarding it.

It has bothered petitioner in the past that she has somehow incurred the wrath of the Washington State Courts. She remembers a Court appointed psychiatrist, who always sided with respondent, remarking to her:

"You always come out of the court-room battered!"

He couldnot understand it. Neither, really, can petitioner.

It could be because petitioner related an incident to a Committee, looking into the

suicide of a King County Judge who turned out to be a pedophile, which testimony was met with stony silence of glacial proportions, that seems to be the basis for this wrath. This Committee was supposed to be interested in reform and petitioner felt she should tell them what she had heard about King County Judges.

The incident occurred when petitioner was selling real estate and, in the course of a possible real estate transaction, in talking of many topics, complained about her treatment in King County Courts. Her customer replied that she simply didn't understand the system; that he had had a problem in the past; that he took it to an attorney of a large, wealthy law firm; that that attorney told him if he had $20,000, he could take care of his problem; that the customer gave the attorney that sum and the attorney did indeed take care of his problem. When petitioner asked her customer what he thought

of a man who gave a large, wealthy firm $100,000 in 1978 money, for a divorce, the customer replied that the man wouldn't have any trouble at all. Petitioner replied that the customer was right; she hadn't understood the system.

Petitioner's goal in telling trhis incident was to have this Committee, which after all was supposed to be interested in reform, investigate to see how many judges were, so to speak, "on the take" in King County. The Committee was not interested in reform but seemed to be angry with petitioner for informing them of something they did not wish to hear.

Whatever the reason, denying petitioner the right to appear by telephone; granting a Motion to Quash a Motion to Vacate thus denying a hearing on the merits of the Motion to Vacate; awarding "compensatory damages" and prohibiting petitioner from any further access to the Court until these so-called damages are

paid, violates her federally protected rights of due process and equal protection as guaranteed by the fifth amendment and fourteenth amendment to the United States Constitution.

IV.

ARGUMENT FOR GRANTING WRIT OF CERTIORARI

1. The Right To Appear By Telephone. Cases are legion that a party must be given notice of what is pending against him/her, and an opportunity to be heard in a meaningful manner. See Fuentes v. Shevin 407 U.S. 67, 32 L. Ed. 556, 92 S. Ct. 1983; Mullane v. Central Hanover Tr. Co. 339 U.S. 306, 313, 94 L. Ed.865, 70 S. Ct. 652; Boddie v. Connecticut 401 U.S. 371, 28 L. Ed.2d 113, 91 S. Ct. 780; Armstrong V. Manzo 380 U.S. 545, 14 L. Ed.2d 62, 85 S. Ct. 1187; Bell v. Burson 402 U.S. 535, 542, 29 L. Ed.2d 90, 96, 91 S. Ct. 1586; Goldberg v. Kelly 397 U.S. 254, 25 L. Ed.2d 287, 90 S. Ct. 1111; In re Myricks 85 Wn.2d 252, 533 P.2d 841; In re Petrie 40 Wn.2d 809, 246 P.2d 465; Marriage of Ebbinghausen 42 Wn. App. 99,

708 P.2d 1220; In re Moseley 34 Wn. App. 179, 660 P.2d 315; Halstad v. Sallee 31 Wn. App. 193, 639 P.2d 877; In re Akers 22 Wn. App. 749, 592 P.2d 647; Esmieu v. Schrag 15 Wn. App. 260, 548 P.2d 581; and In re Houts 7 Wn. App. 405, 476 P.2d 134, to name a few.

The question, then, turns on an opportunity to be heard in a meaningful manner. Armstrong v. Manzo, supra., found that the opportunity to be heard "must be granted at a meaningful time and in a meaningful manner." at page 552. (Emphasis added.) Boddie v. Connecticut, supra., page 378 states:

> That the hearing required by due process is subject to waiver, and is not fixed in form does not affect its root requirement that an individual be given an opportunity for a hearing before he is deprived of any significant property interest." (Emphasis added on line 3; emphasis in original on line 6.)

Fuentes v. Shevin, supra., at page 81 states:

> For when a person has an opportunity to speak up in his own defense, and when the State must listen to what he has to say, substantively unfair and simply mistaken deprivations of property interests can be prevented...

and at page 82, it continues:

> Although the Court has held that due process tolerates variances in the form of a hearing "appropriate to the nature of the case",...and the Court has traditionally insisted that whatever its form, opportunity for that hearing must be provided before the deprivation at issue takes place. (Emphasis added.)

Ross v. Moffitt 417 U.S. at 616 declared that "Meaningful access: to the courts is the touchstone.

The opportunity to be heard, as decided already by this Court, is an absolute right of due process. From the foregoing, we see that this opportunity is not "fixed in form"; that it can have "variances"; but that whatever its form, it must be provided before the deprivation occurs. Since this is so, petitioner was entitled to be heard in the only meaningful manner she could; i.e., by telephone. Thus, the denial of her Motion to Appear by Telephone was a denial of due process of law. This case shouls be remanded back to the Superior Court for pe-

titioner to be afforded her rights of due process.

Because she was deprived of her right of due process, the Motion to Quash the Motion to Vacate was granted as a default. No hearing on the merits of the Motion to Vacate was ever held. The Motion to Vacate was based on the question of jurisdiction. 60 C.J.S. No. 37(3) ____ Time at page 47 states:

> A motion directed to the jurisdiction of the court should be heard before any other plea or pleading may be filed by defendant.

The Motion to Quash was filed while the Motion to Vacate was pending together with the question of jurisdiction.

60 C.J.S. No. 38 ____Determination. at page 53 says:

> Undetermined motion pending. A court may not properly take action in a cause while an undetermined motion is pending.

The Motion to Vacate was pending but the Court ignored it.

60 C.J.S. No. 43 Quashing or Dismissal of

Motion. at page 63 states:

> ...a motion to dismiss, quash or strike another motion or a demurrer to a motion is not a proper practice. (Emphasis added.)

The questions raised in the original motion are still open as no determination has ever been made on the question of original jurisdiction. Petitioner was never served with a Summons and Complaint and jurisdiciton was never acquired by the Court. (No Summons of any kind was ever served or filed with anyone.) Lee v. Western Processing Company, 35 Wn. App. 466, 667 P.2d 638, at page 469 state:

> [2,3] Proper service of the summons and complaint was necessary to invoke the court's jurisdiction over Western ...A judgment entered without jurisdiction over the parties is void. Bergren v. Adams Cy., 8 Wn. App. 853, 509 P.2d 372 (1973).

Lushington v. Seattle Auto Driving Club 60 Wash. 546, 111 P. 785, in discussing lack of jurisdiciton over the person stated:

> In such cases the law requires no showing other than that defendant was, in fact, not served with the process of the court. The right to vacate is inherent in the court itself.

In re the Marriage of Maxfield 47 Wash. App. 699, 737 P.2d 671, at 704 states:

> If procedureal safeguards are inadequate a court lacks jurisdiction over the defendant and cannot enter a valid order against (her). (Citations omitted.)

At page 703, the Court in Maxfield, supra., said:

> There is no question of trial court discretion when a judgment is void, unlike attacks on judgments based on other grounds specified in CR 60 (b). The court has a non-discretionary duty to grant relief. (Citations omitted.) (Emphasis added.)

Had there been any examination of the docket entries, it would have shown that petitioner was never served, either with the Summons or the Complaint. Since petitioner was entitled by right to relief from the judgment and this relief was never considered, she was denied her rights of due process as guaranteed by the fifth amendment to the United States Constitution. This case should be remanded back to the state court for a hearing on the merits of the Motion to Vacate.

2. Appeal As A Matter Of Right.

The Rules of Appellate Procedure (RAP herein) for Washington State provide for appeals as a matter of right. RAP 2.1(a)(1) states: (1) Review as a matter of right, called "appeal",.

RAP2.2 in discussing those decisions which may be appealed lists the types of decisions as follows:

RAP2.2(a)(1) Final Judgment. The final judgmen entered in any action or proceeding.

RAP 2.2(a)(3) Decision Determining Action. Any written decision affecting a substantial right in a civil case which in effect determines the action and prevents a final judgment or discon tinues the action.

RAP 2.2(a)(10) Order on Motion for Vacation o Judgment. An order granting or denying a moti to vacate a judgment.

RAP 2.2(a)(13) Final Order After Judgment. A final order made after judgment which affects substantial right.

RAP 4.2 authorizes direct review in the Washington State Supreme Court in certain cases for those types provided in RAP 2.2. RAP 4.2(c) states that if the Supreme Courtdenies direct review of a proceeding the case will be transferred without prejudice and without costs to the Court of appeals for determination.

The Orders of March 1, 1990 and March 7, 1990, are final orders; are orders determining the action; the March 7, 1990 order denied a Motion to Vacate a Judgment; and finally, both are final orders after judgment. Thus,Petitioner had a right to an appeal. The denial of such constituted a denial or due process of law, a federally protected right. The Clerk of the Court and Department I by upholding the Clerk declaring the appeals discretionary, violated the constitutional rights of petitioner.

3. <u>The Unconstitutionality of Granting Compensatory Damages By The Washington State Supreme Court</u>.

In its Order of June 8, 1990, the Washington State Supreme Court awarded "compensatory damages". These "damages" have no basis in fact. The award was not based on any evidence that respondent had been damaged. There was no testimony as to the extent of any so-called "damage." In fact, the award of $5,500.00 is a figure picked from the air. Indeed, respondent, who is a multi-millionaire (perhaps the judges wanted to keep him happy), made no assertion that he had been damaged and did not ask for damages. Possibly he didn't ask for this because his attorneys know full well that "compensatory damages" must be awarded by a jury and only after evidence and testimony establish that indeed damage has occurred. The Washington State Supreme Court has no jurisdiction to award "compensatory damages." When jurisdiction is lacking, any Order so entered is void. Such an Order also violates petitioner's right of due process as guaranteed by the fifth amendment to the United States

Constitution. This Order should be vacated. If this case is remanded for a hearing by telephone, the Order is automatically negated.

In petitioner's Motion for Reconsideration, she objected to the award of the "compensatory damages". In its Order of October 3, 1990, the Washington State Supreme Court awarded $500.00 more in "compensatory terms". Possibly petitioner's objections reached Department I and the Chief Justice of the Washington State Supreme Court. However, the idea of "compensatory" anything awarded without evidence and testimony is unconstitutional. Such awards are the province of a jury trial and state Supreme Courts have no authority to preempt the rights of juries. This Order shoud also be vacated.

4. The Unconstitutionality Of Prior Restraint Orders Restricting Women's Access To The Courts But Not Men's Access.

In the Superior Court's Order of March 7, 1990, the Judge ordered that petitioner "shall

not plead or otherwise act further in this matter in any way" until petitioner gives respondent what he wants. There are no restrictions on his actions.

In the October 3, 1990 Order, the Washington State Supreme Court said:

> "Until the sanctions and terms imposed in this order and all sanctions and terms previously imposed are fully paid the Clerk of the Supreme Court is directed to accept no further pleadings in this matter from the Petitioner."

No restrictions are imposed on respondent's pleadings.

The Washington State Task Force On Gender And Justice In The Courts found that the Washington State Courts are biased against women. It is no secret that judges of this state legally batter women in the Courtroom. The worst male murdered is treated with more courtesy than any innocent woman walking into any Washington State Courtroom. However, things are getting out of hand with this latest spate of unconstitutional prior restraint

on women's access to the courts while leaving the men with unrestricted access. So far, all of the cases involve divorce.

The United States Supreme Court has found that there is a constitutional right of access to the Courts in divorce cases. Boddie v. Connecticut, supra. Once a constitutional right of access to the courts has been found, the courts cannot restrict it. Bounds v. Smith 430 U.S. 817, 52 L. Ed.2d 72, 97 S. Ct. 1491. See also Wolff v. McDonnell 418 U.S.539.

Barbier v. Connolly 113 U.S. 27, at page 31 says:

> (the) fourteenth amendment was intended to insure that all persons...should have like access to the courts of the country for the protection of their persons and property, and the prevention and redress of wrongs and the enforcement of contracts...(Emphasis add)

Again, in Chamber v. Baltimore & Ohio Ry 207 U.S. 142, at page 148, the Court states;

> The right to sue and defend in the courts is the alternative of force. In an organized society, it is the right conservative of all other

> rights, and lies at the foundation of orderly government. It is one of the highest and most essential privileges of citizenship...

and, in California Motor Transport Co. v. Trucking Unlimited 404 U.S. 508, the Court said

> The right to petition extends to all departments of the governement. The right of access to the courts is indeed but one aspect of the right to petition. (Emphasis added.)

Furthermore, 60 C.J.S. No. 3, at page 10 states

> Nature and Scope of Remedy by Motion. ...nor will a motion to preclude all further motions by the opposite party be entertained.73.5

Footnore 73.5 states:

> N.Y. In re Kerrigan's Estate 212 N.Y.S.2d 191, 28 Misc.2d 570:
>
> Deprivation of legal rights. No such order can be made which would deprive any of the parties their legal rights.

In Washington State, State v. Coe 101 Wash.2d 364, 679 P.2d 353 states that prior restraint orders are presumptively unconstitutional.

Herriott v. Seattle 81 Wn.2d 48, 500 P.2d 101 at page 60 states:

> Equal protection of the laws under our state and federal constitutions requires that persons similarly situated with respect to the legitimate purpose of law receive like treatment.

Restricting women's access to the courtroom, either through requiring that women give the men what they want or by the imposition of outrageous terms which most women cannot afford, is a violation of the federally protected right of equal protection as guaranteed by the fourteenth amendment to the United States Constitution. These Orders should be vacated.

V.

CONCLUSION

For the foregoing reasons, Petitioer prays that a Writ of Certiorari will be granted; or, in the alternative, the case remanded back to the State for a hearing with appearance by telephone.

Respectfully submitted,

Mary Catherine Halvorsen
Petitioner Pro se

SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

In re the Marriage of:	)	
	)	
MARY CATHERINE HALVORSEN,	)	
	)	
Petitioner,	)	NO. D-80812
	)	
vs.	)	ORDER DENYING
	)	MOTION FOR AP-
ALBERT (BOYER) HALVORSEN,	)	PEARANCE BY
	)	TELEPHONE CON-
Respondent.	)	FERENCE
	)	

THIS MATTER having come on for hearing before the undersigned judge of the above-entitled court upon the Motion of Catherine Halvorsen for an Order allowing her to appear by telephone conference in any proceedings in this case, the moving party Mary Catheirne Halvorsen appearing pro se and the respondent Albert (Boyer) Halvorsen appearing through his attorney R. Andrew Bergh of the law firm of Betts, Patterson & Mines, P.S., and the court having reviewed the records and files herein and having consid-

ered the argument and submissions made by the parties on this motion and being otherwise fully advised in the premises, and the court finding that the contentions of Mary Catherine Halvorsen are without merit, it is hereby

ORDERED, ADJUDGED AND DECREED that the Motion of Mary Catherine Halvorsen for Appearance by Telephone Conference is denied in all respects.

DATED this 1st day of March, 1990.

/s/ Charles Johnson
Judge

Presented by:

Betts, Patterson & Mines, P.S.

By R. Andrew Bergh */s/
R. Andrew Bergh
WSBA # 17924
Attorneys for Respondent
Albert (Boyer) Halvorsen

*Paul D. Carey actually appeared in Court.

ORDER DENYING MOTION
FOR APPEARANCE BY
TELEPHONE CONFERENCE

SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

In re the Marriage of:	)	
	)	
MARY CATHERINE HALVORSEN,	)	NO. D-80812
	)	
Petitioner,	)	ORDER GRANTING
	)	MOTION TO QUASH
vs.	)	AND FOR RELATED
	)	RELIEF
ALBERT (BOYER) HALVORSEN,	)	
	)	(CLERK'S ACTION
Respondent.	)	REQUIRED)
	)	

THIS MATTER having come on for hearing before the undersigned Judge of the above-entitled Court upon the motion of Albert (Boyer) Halvorsen for an order quashing the motion of Mary Catherine Halvorsen to vacate the Decree of Dissolution of Marriage entered herein on February 23, 1978, Albert (Boyer) Halvorsen appearing through his attorney Paul D. Carey of the law firm of Betts,Patterson & Mines, P.S., and Mary Catherine Halvorsen appearing in person pro se,* and

*Mary Catherine Halvorsen was not present.

BEST AVAILABL

the Court having reviewed the records and files herein and considered the argument and submissions made by the parties and being otherwise fully advised in the premises, it is hereby

ORDERED, ADJUDGED AND DECREED that the motion of Albert (Boyer) Halvorsen is hereby granted and Mary Catherine Halvorsen's motion to vacate the Decree of Dissolution of Marriage entered herein on February 23, 1978 is hereby quashed, and it is further

ORDERED, ADJUDGED AND DECREED that Mary Catherine Halvorsen shall not plead or otherwise act further in this matter in any way until she has fully complied with this Court's August 4, 1989 order directing execution of quit claim deed by delivering a fully executed deed in the requisite form to Boyer Towing, Inc.*

DATED this 7 day of March, 1990

/s/Lloyd Bever
JUDGE

*It should be noted that Boyer Towing, Inc.

LE COPY

Presented by:

BETTS, PATTERSON & MINES, P.S.

By: Paul D. Carey /s/
Paul D. Carey
WSBA #00435
Attorneys for
Albert (Boyer) Halvorsen

Approved as to Form, Notice of
Presentation Waived:

By: _____
Mary Catherine Halvorsen
Petitioner pro se

ORDER GRANTING MOTION
TO QUASH AND FOR RELATED
RELIEF - 2

BETTS, PATTERSON & MINES
P.S
800 Financial Center
1215 Fourth Avenue
Seattle, Washington
98161-1090

THE SUPREME COURT OF WASHINGTON

MARY CATHERINE HALVORSEN, Petitioner, v. ALBERT (BOYER) HALVORSEN, Respondent.	)	No. 56972-0
	)	ORDER DENYING PETITIONER'S MOTION TO MODIFY CLERK'S RULING: GRANTING COURT'S MOTION FOR DISMISSAL AND GRANTING RESPONDENT'S MOTION TO DISMISS

This matter came before Department I of the Court on its June 5, 1990, Motion Calendar on Petitioner's Motion to Modify Clerk's Ruling; Court's Motion for Dismissal and Respondent's Motion to Dismiss. Department I having considered the motion and the files herein;

Now, therefore, it is hereby

ORDERED:

That Petitioner's Motion to Modify Clerk's Ruling is denied; Court's Motion for Dismissal is granted and Respondent's Motion to Dismiss is granted.

Respondent's motion for terms is granted. Petitioner, Halvorsen, is ordered to pay $5,500.00 as compensatory damages to Respondent. If the award is not paid by August 1, 1990, the Clerk of the Supreme Court is directed to transmit the award to King County Superior Court with diretion [sic] to enter a judgement is [sic] with the award.

DATED at Olympia, Washington this 8th day of June, 1990.

/s/ Keith M. Callow
Chief Justice

THE SUPREME COURT OF WASHINGTON

MARY CATHERINE HALVORSEN, Petitioner,	)	NO. 56972-0
v.	)	ORDER DENYING MOTION TO MODIFY CLERK'S RULING AND IMPOSING SANCTIONS
ALBERT (BOYER) HALVORSEN, Respondent.	)	

This matter came before Department I of the Court on its October 2, 1990, Motion Calendar on Petitioner's MOTION TO MODIFY CLERK'S RULING. Department I having considered the motion and the files herein finds that Petitioner's motion is frivolous and was imposed for the purpose of delay; therefore, RAP 18.9 sanctions should be imposed against Petitioner;

Now, therefore, it is hereby

ORDERED:

1. Petitioner's MOTION TO MODIFY-CLERK'S RULING IS denied.

2. $500.00 sanctions are imposed against Petitioner payable to the Supreme Court.

3. $500.00 compensatory terms are imposed against Petitioner payable to the Respondent.

4. If the Clerk of the Supreme Court does not receive payment of the $500.00 sanctions and verification of payment of the $500.00 terms by November 1, 1990, the Clerk of the Supreme Court will trnasmit this order to the King County Superior Court with diretions [sic] that a judgment be entered against the Petitioner in the amounts set above.

5. Until the sanctions and terms imposed in this order and all sanctions and terms previously imposed are fully paid the Clerk of the Supreme Court is directed to accept no further pleadings in this matter from the Petitioner.

DATED at Olympia, Washington this 3rd day of October, 1990

/s/Keith M. Callow
Chief Justice

APPENDIX B

SUPREME COURT OF THE UNITED STATES

No. A-447

Mary Catherine Halvorsen,

Petitioner

v.

Albert (Boyer) Halvorsen

O R D E R

UPON CONSIDERATION of the application of counsel for the petitioner,

IT IS ORDERED that the time for filing a petition for a writ of certiorari in the above-entitled case, be and the same is hereby, extended to and including January 31, 1991.

/s/ Sandra Day O'Connor
Associate Justice of the
Supreme Court of the
United States

Dated this 11th day of December, 1990

APPENDIX C

28 USC 1257 State Courts; appeal; certiorari

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows: (3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repubnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States. June 25, 1948, c. 646, 62 Stat. 929.

APPENDIX C

Fourteenth Amendment to the United States Constitution.

All persons born or naturalized in the United States, are subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.